THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13699 of 2007

Between:

Yelisala Kalpana.

.. PETITIONER

and

The District Collector and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13699 of 2007

ORDER:

It is the case of the petitioner that the 2nd respondent assigned house plot No.59 admeasuring an extent of Ac.0-02½ cents in R.S.No.187/1 T 08 in favour of the petitioner vide proceedings in Rc.No.A299/96, dated 09-07-1999. Pursuant to the said assignment, the petitioner constructed thatched house and he has been in continuous possession and enjoyment of the said property. It is stated that the petitioner has not violated any terms and conditions of the said assignment. It is stated that the petitioner made a representation before the 2nd respondent on 30-06-2007 stating that recently police officials came to the petitioner and asked him to vacate the land in question, as the Mandal Revenue Officer requested them to vacate the petitioner from the land in question. It is stated that the patta, which was granted in his favour, has not been cancelled and the petitioner has not violated any terms and conditions of the said patta.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I am of the opinion that the question as to whether the patta granted in favour of the petitioner is liable to be cancelled for violation of the terms and conditions of the patta, is a matter to be decided by the Authorities concerned, after following due process of law. But, however, the petitioner cannot be evicted from the land in question, without following due process of law.

Accordingly, the writ petition is disposed of directing the respondents not to evict the petitioner from the land in question, without following due process of law. There shall be no order as to costs.

17-09-2007

Prv